In the High Court of Judicature at Madras

Dated: 20/06/2006

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The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Contempt Petition No.30 of 2006

K. Paramanandam .. Petitioner

-Vs-

1.Mr. C. Balakrishnan
Superintendent of Post Offices
Karur Division
Karur 639 001.

2.Mr. K. Shanmugam
Assistant Superintendent of Post Offices
Karur Sub Division, Karur 639 001. .. Respondents

Contempt Petition filed under Sections 10 and 12 of the
Contempts of Courts Act, 1971 against the respondents for disobeying the order passed by this Court in WPMP.No.1153 of 2005 in W.P.No.1039 of 2005 dated 18.01.2005.

!For petitioner : Mr. K.M. Ramesh

^For respondents : Mr. B. Ullasavelan,ACGSC

:ORDER
(Order of the Court was made by P. SATHASIVAM,J.)
The petitioner has filed this petition seeking to punish the respondents for disobeying the order passed by this Court in WPMP.No.1153 of 2005 in W.P.No.1039 of 2005 dated 18.01.2005.
2. The learned counsel for the petitioner has brought to our notice that the Central Administrative Tribunal passed an order on 15.12.2004 in O.A.No.151 of 2004, against which the petitioner herein filed W. P.No.1039 of 2005. According to him, the said writ petition was filed on 17.01.2005 supported by an affidavit duly sworn to on 16.01.2005. The matter was heard by this Court on 18.01.2005 and after recording the specific averment in para 23 of the affidavit filed in support of the said petition, the Division Bench granted interim stay of the order passed by the Tribunal. It is the further grievance of the petitioner that the said order was communicated to the respondents by way of fax on 19.01.2005. It is also the grievance of the petitioner that on

receipt of the fax message, the respondents implemented the order of the Tribunal by anti-dating. In such circumstances, the petitioner has filed this petition.

3. Pursuant to the direction of this Court, respondents 1 and 2 filed a separate counter affidavit. Among the counter affidavit filed by them, the counter affidavit of the second respondent is more relevant. Paragraph 6 of the counter affidavit refers about the order passed by the Central Administrative Tribunal and the order passed by the Division Bench of this Court in WPMP.No.1153 of 2005 in W.P.No.1039 2005. In para 7 the second respondent has specifically stated that the respondents have received the official copy of the stay order in WPMP.No.1153 of 2005 in W.P.No.1039 of 2005 dated 18.01.2005 only on 28 .01.2005. It is further stated that the order dated 18.01.2005 was received by fax on 16.58 hours on 19.01.2005 and by post on 24.01.2005 from the petitioner□s counsel. It is also stated that the official order copy wrongly sent to the Superintendent of Police, Karur instead of respondents. The Superintendent of Police, Karur redirected the same to the respondents on 28.01.2005. In the same paragraph it is reiterated that the Central Administrative Tribunal order dated 15.12 .2004 after getting procedural approval implemented on the forenoon of 19.01.2005 itself. No doubt, the petitioner herein filed a reply affidavit controverting the above factual details. Apart from the specific assertion as stated in para 7 of the counter affidavit, the learned counsel for the second respondent has also filed a typed set enclosing copy of the fax message, which shows that the message was received by their office on 16.58 hours on 19.01.2005.

4. In the light of the specific information and assertion made in the form of counter affidavit supported by document, there is no reason to disbelieve the stand taken by the respondents. Accordingly, we accept the explanation offered by them. In such circumstances, no further action is required in his petition; hence, the same is dismissed.

In view of the grievance expressed by the petitioner, we are of the view that it is desirable to dispose of the writ petition itself one way or other. Hence, post the writ petition for final hearing on 25.0 9.2006.

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